

House Bill 374 (AS PASSED HOUSE AND SENATE)

By: Representatives Mills of the 25th, Stephens of the 164th, Parrish of the 156th, and Shaw of the 176th

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to the hotel motel tax, so as change certain provisions regarding definitions applicable to such tax; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to the hotel motel tax, is amended by revising Code Section 48-13-50.2, relating to definitions, as follows:

"48-13-50.2.

As used in this article, the term:

(1) 'Charitable trust' means any trust or other entity covered by Article 6 of Chapter 12 of Title 53.

(2) 'Functionally related business' means a business entity, whether or not incorporated, which is owned by a charitable trust and which constitutes a functionally related business within the meaning of Section 4942(j)(4) of the Internal Revenue Code.

(3) 'Fund' or 'funding' means the cost and expense of all things deemed necessary for the construction and operation of a project or facility, including, but not limited to, the study, operation, marketing, acquisition, construction, finance, development, extension, enlargement, or improvement of land, waters, property, streets, highways, buildings, structures, equipment, or facilities, and the repayment of any obligation in connection therewith.

(4) 'Innkeeper' means any person who is subject to taxation under this article for furnishing for value to the public any rooms, lodgings, or accommodations.

(5) 'Local authority' means an authority created by local Act for the support of a local government or a local government purpose or function.

(6) 'Private sector nonprofit organization' means a chamber of commerce, a convention and visitors bureau, a regional travel association, or any other private group organized for similar purposes which is exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code of 1986; provided, however, that a county or municipality which has prior to April 1, 1990, contracted for a required expenditure under Code Section 48-13-51 with a private group which is exempt from federal income tax under provisions of Section 501(c) of the Internal Revenue Code other than Section 501(c)(6) may continue to contract for required expenditures with such a private group.

~~(2)~~(7) 'Promoting tourism, conventions, and trade shows' means planning, conducting, or participating in programs of information and publicity designed to attract or advertise tourism, conventions, or trade shows.

(8) 'State authority' means an authority created by state law which serves a state-wide function including, but not limited to, the Geo. L. Smith II Georgia World Congress Center Authority, but shall not mean an authority created for support of a local government or a local purpose or function and shall not include authorities such as area planning and development commissions and any organizational entities they may create, regional development centers and any organizational entities they may create, or local water and sewer authorities."

SECTION 2.

Said article is further amended by revising paragraph (8) of subsection (a) of Code Section 48-13-51, relating to the levy of hotel motel tax, as follows:

~~"(8)(A) For purposes of this Code section, a 'private sector nonprofit organization' shall be a chamber of commerce, a convention and visitors bureau, a regional travel association, or any other private group organized for similar purposes which is exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code of 1986; provided, however, that a county or municipality which has prior to April 1, 1990, contracted for a required expenditure under this Code section with a private group which is exempt from federal income tax under provisions of Section 501(c) of the Internal Revenue Code other than Section 501(c)(6) may continue to contract for required expenditures with such a private group.~~

~~(B) For purposes of this Code section, 'state authority' shall mean an authority created by state law which serves a state-wide function including, but not limited to, the Geo. L. Smith II Georgia World Congress Center Authority, but shall not mean an authority created for support of a local government or a local purpose or function and shall not include authorities such as area planning and development commissions and any~~

1 ~~organizational entities they may create, regional development centers and any~~
2 ~~organizational entities they may create, or local water and sewer authorities. Reserved.~~"

3 **SECTION 3.**

4 All laws and parts of laws in conflict with this Act are repealed.